

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

**REBEKAH JENNINGS; BRENNAN  
HARMON; ANDREW PAYNE;  
NATIONAL RIFLE ASSOCIATION  
OF AMERICA, INC.,**

**Plaintiffs,**

**v.**

**STEVEN MCCRAW, in his official  
capacity as Director of the Texas  
Department of Public Safety,**

**Defendant.**

**Civil Action No. 5:10-CV-141-C**

**AGREED MOTION TO STAY PRE-TRIAL DEADLINES**

TO THE HONORABLE SAM R. CUMMINGS, UNITED STATES DISTRICT JUDGE  
PRESIDING:

**I.**

**PROCEDURAL HISTORY**

Plaintiffs REBEKAH JENNINGS, BRENNAN HARMON, ANDREW PAYNE and NATIONAL RIFLE ASSOCIATION OF AMERICA, INC., and Defendant, STEVEN McCRAW, in his official capacity as Director of the Texas Department of Public Safety, file this Agreed Motion to Stay Pre-Trial Deadlines, and respectfully would show the Court as follows:

The Complaint in this civil action was filed on September 8, 2010. The Court entered a Scheduling Order on November 24, 2010 (Docket #31) which stated that no discovery would proceed at that time, but allowed the parties to file a motion to request discovery if a need arose.

*Id.* On December 14, 2010, Defendant filed an emergency motion to amend the Scheduling Order to permit discovery (Docket #34). The Court granted the Order on December 16, 2010 (Docket #36), ordering that discovery must be completed by 3:00 p.m. on May 16, 2011. By Order dated January 4, 2011 (Docket #40), the Court set this case for a bench trial on August 15, 2011.

On July 14, 2011, Plaintiffs filed a Consent Motion (Docket #68) for continuance of the trial setting. On July 15, 2011, the Court granted the Motion (Docket #69) and continued the trial date to November 7, 2011, but did not extend any other pre-trial deadlines.

## II.

### **RELIEF REQUESTED**

The parties respectfully request that the Court stay all pre-trial deadlines in this case until the Court renders an opinion on the parties' respective Motions for Summary Judgment which are pending before the Court. On September 29, 2011, the Court entered Judgment in Civil Action No. 5:10-CV-140-C, *Jennings, et al v. Bureau of Alcohol, Tobacco, Firearms, and Explosives, et al*, which is a companion case to the instant lawsuit. The parties in the instant case anticipate that the Court will probably rule on the pending Motions for Summary Judgment soon, and respectfully request that the Court stay pre-trial deadlines in this case to preserve resources and avoid potentially unnecessary filings with the Court to prepare for the November 7, 2011 trial date.

This Motion is not brought for purposes of delay, but rather so that justice may be done.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

On October 6, 2011, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal rule of Civil Procedure 5 (b)(2).

s/ Fernando M. Bustos  
Fernando M. Bustos